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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

On re Patent Application of

Akira Hashimoto et al.

Application No.: 10/798,381

Filed: March 12, 2004

For: ARMATURE OF ROTATING
ELECTRIC MACHINE

) **MS Issue Branch**
)
) Group Art Unit: 2834
)
) Examiner: BURTON S MULLINS
)
) Confirmation No.: 5646
)
)
)

SUPPLEMENTAL COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: December 23, 2005

Sir:

Attached to this Communication is a translation of the Chinese Office Action dated October 14, 2005. The translation of the Chinese Office Action was not available at the time the Information Disclosure Statement was filed in the Patent and Trademark Office on December 6, 2005. A translation of the Office Action is now available and is being provided for the Examiner.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: December 23, 2005

By:


Ellen Marcie Emas

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|-------------------------|---------------------------------------|---|
| Applicant: | MITSUBISHI DENKICKABUSHI KAISHA | Date of Notification: Date: <u>14</u> Month: <u>10</u> Year: <u>2005</u> |
| Attorney: | CHEN WEI | |
| Application No.: | 200410031891.3 | |
| Title of the Invention: | ARMATURE OF ROTATING ELECTRIC MACHINE | |

Notification of the First Office Action

1. ☒ The applicant requested examination as to substance and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China (hereinafter referred to as "the Patent Law").
☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
2. ☒ The applicant claimed priority/priorities based on the application(s):
 filed in JP on Mar. 31, 2003, filed in JP on Dec. 12, 2003.
 filed in _____ on _____, filed in _____ on _____,
 filed in _____ on _____, filed in _____ on _____.
☒ The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.
☐ The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.
☐ The application is a PCT continuation.
3. ☐ The applicant submitted amendments to the application on _____ and on _____, wherein the amended _____ submitted on _____ and the amended _____ submitted on _____ are not acceptable, because said amendments do not comply with ☐ Article 33 of the Patent Law. ☐ Rule 51 of the Implementing Regulations of the Patent Law.
 The specific reasons why the amendments are not allowable are set forth in the text portion of this Notification.
4. ☒ Examination as to substance was directed to the initial application documents as filed.
☐ Examination as to substance was directed to the documents as specified below:
 pages _____ of the description, claims _____ and pages _____ of the drawings submitted on _____,
 pages _____ of the description, claims _____ and pages _____ of the drawings submitted on _____,
 pages _____ of the description, claims _____ and pages _____ of the drawings submitted on _____,
 the abstract submitted on _____, and the figure for the abstract submitted on _____.
5. ☐ This Notification is issued without search reports.
☒ This Notification is issued with consideration of the search results.
☒ Below is/are the reference document(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

| No. | Number(s) or Title(s) of Reference(s) | Date of Publication (or the filing date of conflicting application) |
|-----|---------------------------------------|--|
| 1 | JP9-149568 | Date: <u>06</u> Month: <u>06</u> Year: <u>1997</u> |
| 2 | | Date: __ Month: __ Year: __ |
| 3 | | Date: __ Month: __ Year: __ |
| 4 | | Date: __ Month: __ Year: __ |
| 5 | | Date: __ Month: __ Year: __ |

6. Conclusions of the Action:

- ☐ On the Specification:
- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
 - ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
 - ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.
- ☒ On the Claims:
- ☐ Claim(s) _____ is/are not patentable under Article 25 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
 - ☒ Claim(s) 1 does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
 - ☐ Claim(s) _____ does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
 - ☐ Claim(s) _____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with Article 26 paragraph 4 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with Article 31 paragraph 1 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
 - ☐ Claim(s) _____ does/do not comply with Article 9 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☒ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 1 pages and the following attachments:

- ☒ 1 cited reference(s), totaling 7 pages. ☐

Examination Dept. _____ Examiner: Xu honggang Seal of the Examination Department

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TEXT OF THE NOTIFICATION OF THE FIRST OFFICE ACTION

Application number: 200410031891.3

The present application relates to an armature of a rotating electric machine. Upon substantive examination, the comments are as follows:

Claim 1 seeks protection for an armature of a rotating electric machine. Reference 1 (JP9-149568A) discloses a stator and an electric machine using the same, and the following technical features (see Figs. 1—7 and columns 4—7 of the description of this reference) an armature of a rotating electric machine comprising a plurality of first magnetic teeth (31) arranged side by side along a circumferential direction of the rotating electric machine, having a yoke portion extending along the circumferential direction and a tooth portion (31b) projecting from a central part of the yoke portion to a radial direction of the rotating electric machine; and a plurality of second magnetic teeth (32) located between the tooth portions of said first magnetic teeth, and said second magnetic teeth joining said first magnetic teeth located on both sides of said second magnetic teeth.

According to Article 56 (1) of the Chinese Patent Law, the extent of protection of the patent right for invention or utility

model shall be determined by the terms of the claims. The description and the appended drawings may be used to interpret the claims.

After the comparison, reference 1 has disclosed all the technical features of claim 1. Reference 1 and claim 1 belong to a same technical field; and they solve the same technical problem, adopt the same technical means and realized the same technical effects. Therefore, claim 1, in view of reference 1, lacks novelty as prescribed in Article 22 (2) of the Chinese Patent Law.

In the light of the above reasons, the present application couldn't be granted a patent right according to the current text thereof. The application document should be amended according to this notification to overcome the defects. If the applicant amends the application document, the amendments should not go beyond the scope of the disclosure contained in the initial description and claims. New application document and convincing reasons for proving that the new claims have novelty or inventiveness should be filed within the specified time limit according to this notification.